D.B. CIVIL SPECIAL APPEAL(W)NO.237/2006

Gopal Lal
Vs.
State of Rajasthan & Ors.

Date of Order :: 25-04-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Satish Pachori, for the appellant.

This special appeal arising from the order of the learned Single Judge dated 10.11.2005 in S.B.Civil Writ Petition no.8008/2004 is directed against the order of the Additional Collector (3rd), Jaipur dated 31.3.2000 making reference of the dispute in respect of allotment of some land in terms of Section 82 of the Rajasthan Land Revenue Act, 1956.

Facts giving rise to reference briefly are that on 25.5.1989 five bighas of land of Khasra no.67/1 of village Rampura Bujurg was allotted to the appellant among other allottees. On 30.7.1991 allotment was cancelled by the District Collector. The order of the District Collector however was reversed by the Revenue Appellate Authority on 6.6.1994. The allotment in favour of the appellant was thus upheld. On 31.3.2000 the Additional Collector made reference of the dispute to the Board of Revenue in terms of Section 82 of the Act.

Counsel for the appellant tried to satisfy this

Court on merit of the case. However as the writ petition is directed against the preliminary order making reference and the dispute is yet to be decided by the Board of Revenue, we expressed our disinclination to consider merit of the case. It is plain that reference order can be interfered with only if it is not competent in the eye of law.

We thus find no error in the order of the learned Single Judge dismissing the writ petition of the appellant. The appeal is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen